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OFFICE OF PETITIONS

In re Application of : DECISION ON PETITION
Jose Wei :
Application No. 10/673,585 :
Filed: September 30, 2003 :
Atty Docket No.: 3221/16 :

This is a decision on the Petition to Withdraw Abandonment, filed April 10, 2006. The petition is properly treated under 37 CFR 1.181.

The petition is granted.

The above-identified application became abandoned for failure to timely and properly respond to the non-final Office action, mailed March 28, 2005. The Office action set a three (3) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No response having been received, the application became abandoned on June 29, 2005. A Notice of Abandonment was mailed January 10, 2006.

Petitioner avers non-receipt of the non-final office action, mailed March 28, 2005. Applicant provides that the correspondence address was as specified in the customer number filed with the application transmittal form. A review of the Transmittal Form reveals that the customer number thereon differs from the typed correspondence address also on the Transmittal Form. As provided in the Manual of patent Examining Procedure, If more than one correspondence address is specified in a single document, the Office will establish one as the correspondence address and will use the address associated with a Customer Number, if given, over a typed correspondence address. MPEP 601.03. The Office inadvertently entered the typed correspondence address.

In view of the above, the petition is granted. The Notice of Abandonment is hereby withdrawn. No fee has been charged and none is due.

The application file is being referred to Technology Center Art Unit 3654 for re-mailing the Office action.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.



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Office of Petitions